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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,721	08/20/2003	John G. McCarthy	10020842-1	8101

22879 7590 11/17/2008
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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

PATEL, NIKETA I

ART UNIT	PAPER NUMBER
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2181

NOTIFICATION DATE	DELIVERY MODE
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11/17/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/645,721	Applicant(s) MCCARTHY, JOHN G.	
	Examiner NIKETA I. PATEL	Art Unit 2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-15 and 17-25 is/are pending in the application.
- 4a) Of the above claim(s) 12-15 and 17-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-6 and 8-11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claim 1 is objected to because of the following informalities: line 9 recites, "ii) preventing..." however that's the third element in the claim and therefore should recite, "iii) preventing...". Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boucher U.S. Patent Application Publication No.: US 2003/0187908 A1 (hereafter "Boucher") and further in view of Msndy U.S. Patent Application Publication No.: US 2004/0236615 A1 (hereinafter "Msndy").

5. Referring to claim 1, Boucher teaches a method comprising: upon receiving a device command from a first host for a data transfer operation to a storage device [figures 1, 4; paragraphs 6, 9 – "...customer for which a task will be performed..."; paragraph 38 "...resources including (as examples) CPU time, Disk I/O, and Network I/O], i) reserving for the first host the storage device targeted by the device command

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[paragraphs 9, "...obtaining a customer tag representing a customer ...", "...priority control tailored to individual customers...for ...one or more resources....CPU time" and figure 4, paragraph 38 "...resources including (as examples) CPU time, Disk I/O, and Network I/O]; ii) setting a reservation time period for expiration of a reservation of the storage device, the reservation time period being determined based on a command type of the device command [paragraph 38-39, "...tables 402 and 404...adding additional resources, or additional indices such as time of day, and the link..." – i.e., reservation time period is determined base on a command type (customer tag of the task) the device command.] Boucher is silent regarding the limitation of preventing other hosts from interfering with the data transfer operation between the first host and the storage device during the reservation time period. Msndy, however discloses the limitation of preventing other hosts from interfering with the data transfer operation between the first host and the storage device during the reservation time period [Msndy paragraph 131 – "...access control means serving to block access to such sites during reserved periods. Only user who have made a reservation can ten cause these access control means to be operated..." and paragraph 32] in order to restrict access during reserved time period.

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the system of Boucher to be able to prevent other hosts from interfering with the data transfer operation between the first host and the storage device during the reservation time period, in order to restrict access during reserved time period. It is for this reason that one of ordinary skill in the

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art would have been motivated to implement the limitation of preventing other hosts from interfering with the data transfer operation between the first host and the storage device during the reservation time period.

6. Referring to claim 8, the combination of Boucher and Msndy teaches the method of claim 1, wherein the device command comprises one of a write command, a rewind command, a read command, a load command, an unload command, and a seek command [paragraph 6, "...database search..."; paragraph 57, "...read or written..."].

7. Referring to claim 9, the combination of Boucher and Msndy teaches the method of claim 1, wherein the device command comprises a tape device command [paragraph 6, "...search...disk I/O..."].

8. Referring to claim 10, the combination of Boucher and Msndy teaches the method of claim 1, wherein the device command comprises a disk device command [paragraph 6, "...search...disk I/O..."].

9. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boucher & Msndy as applied to claim 1 above, and further in view of Ahmad H Tawil, which was submitted by the applicant as part of the IDS filed on 01/10/2005 (hereinafter referred to as "Tawil").

10. Referring to claim 2, the combination of Boucher and Msndy teaches the method of claim 1, however, does not set forth the limitation of further comprising upon receiving a second device command from the first host, resetting the reservation time period. Tawil teaches the limitation of resetting the reservation time period [see abstract, 'reservation may be released by issuing a reserve out command'.]

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It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of allowing a host to reset a memory access period in order to meet the demand of the host process by resetting the reserved time period of the memory access. It would have been obvious to one of ordinary skill in the art the time of applicant's invention implement resetting the reservation time period to get this advantage.

11. Referring to claim 11, the combination of Boucher and Msndy teaches the method of claim 1, however, does not set forth the limitation of wherein the device command comprises a Small Computer System Interface (SCSI) command. *Tawil* teaches the limitation of using a Small Computer System Interface (SCSI) command [see abstract, SCSI command.]

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of using SCSI commands in order to allow faster communication and the ability to daisy chain up to seven different devices. It would have been obvious to one of ordinary skill in the art the time of applicant's invention implement Small Computer System Interface (SCSI) command to get this advantage.

12. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boucher & Msndy as applied to claim 1 above, and further in view of Cheng U.S. Patent Application Publication Number: 2003/0005130 A1 (hereinafter referred to as "Cheng").

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13. Referring to claim 3, the combination of Boucher and Msndy teaches the method of claim 1, further comprising: upon receiving a device command targeted to the device from a second host, determining if the device is reserved [paragraph 32, "...resource tracking logs..."; paragraph 34, "...resource usage log...", paragraph 57, 73 – track resource usage]; however does not set forth the limitation of and if the device is reserved to a host other than the second host, denying the device command from the second host. Cheng discloses this limitation [paragraphs 0044, 0046, 0047, if any resource is not available, the reservation request fails] in order to provide reliable network management system and scheduling of activities.

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the system of Boucher to be able to determine if the device is reserved to a host other than the second host, denying the device command from the second host in order to provide reliable network management system and scheduling of activities. It is for this reason that one of ordinary skill in the art would have been motivated to implement the limitation of determining if the device is reserved to a host other than the second host, denying the device command from the second host.

14. Referring to claim 4, the combination of Boucher, Msndy and Cheng teaches the method of claim 3, wherein determining if the device is reserved comprises determining if the reservation time period has expired [Cheng discloses this limitation at column 1, lines 45-59 and column 2, lines 3-14 and column 4, lines 7-38.]

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15. Referring to claim 5, the combination of Boucher, Msndy and Cheng teaches the method of claim 3, further comprising if the device is not reserved, executing the device command from the second host [Cheng discloses this limitation at paragraphs 0039, 0046, 0052, Reserve command, starting time and ending time.]

16. Referring to claim 6, the combination of Boucher, Msndy and Cheng teaches the method of claim 3, wherein the device command from the second host comprises a clear command [Cheng discloses this limitation at paragraphs 0039, 0046, 0052, Release command or Un-schedule.]

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIKETA I. PATEL whose telephone number is (571)272-4156. The examiner can normally be reached on M-F 8:00 A.M. to 6:00 P.M, with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alford Kindred can be reached on (571) 272 4037. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Niketa I. Patel/
Primary Examiner, Art Unit 2181